

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CITY OF CHICAGO, ILLINOIS	)	
	)	
Plaintiff,	)	08 CV 3281
	)	
v.	)	Blanche Manning
	)	
eBAY, INC.,	)	Magistrate Arlander Keys
	)	
Defendant.	)	

**AGREED MOTION FOR STIPULATED BRIEFING SCHEDULE  
AND TO FILE AN OVERSIZED BRIEF**

The Parties, through their respective counsel, hereby respectfully move this Court to enter a stipulated briefing schedule for Defendant eBay Inc.'s ("eBay") Motion to Dismiss. The parties further seek leave for the City of Chicago ("the City") to file an oversized brief in response to the Motion to Dismiss. In support of this Motion, the Parties state as follows:

1. On August 8, 2008, eBay filed its Motion to Dismiss. eBay sought and received approval from this court to file a 30-page oversized brief. Doc. 22.

2. Counsel for eBay has been advised by Sonya Banks, substitute courtroom deputy for the Honorable Judge Manning, that the City's response is currently due by September 18, 2008, and eBay's reply is currently due by October 2, 2008.

3. The Parties have met and conferred regarding the current briefing schedule. Pending approval by this Court, the Parties believe that a modified briefing schedule is necessary. The Parties' request for additional time to complete briefing of the Motion to Dismiss arises directly from the complex constitutional and other legal issues raised by the City's Complaint and the related scope of eBay's Motion to Dismiss. These issues include the impact of several Internet-related federal statutes, the Commerce Clause of the U.S. Constitution, the

scope of the City's home rule and statutory authority, and the impact of the Illinois Ticket Sale and Resale Act.

4. eBay filed an extensive Motion to Dismiss the Complaint. The memorandum of law was approximately 30 pages and addressed all the issues arising from the Complaint. eBay believes that in its motion to dismiss, it raised a number of potentially case-dispositive legal issues. The City, not surprisingly, wants sufficient time to address these complex legal issues.

5. For these reasons, the Parties have agreed, pending approval of this Court, that a slightly extended briefing schedule that differs from the one set by the Court will allow the Parties sufficient time to complete briefing of this Motion to Dismiss. Therefore, the Parties respectfully urge this Court to enter an order which provides that the City shall have until October 2, 2008 to respond to eBay's Motion to Dismiss, and eBay shall have until October 23, 2008 to file its reply.

6. In addition, for the same reasons set forth herein, the City requests leave to file an oversized response brief that will not exceed 30 pages. eBay has no objection to this request.

WHEREFORE, for the foregoing reasons, the Parties hereby respectfully urge this Court to grant their Agreed Motion For A Stipulated Briefing Schedule And To File An Oversized Brief.

Respectfully submitted,  
eBay, Inc.

Dated: August 25, 2008

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